



Atty Dkt No.9000-0057.01

USSN: 10/650,369

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Andrew A. Potter et al.

Confirmation No.: 7295

Serial No.: 10/650,369

Group Art Unit: 1648

Filing Date: August 27, 2003

Examiner: ZACHARIAH, L.

Title: IMMUNIZATION OF DAIRY CATTLE WITH CHIMERIC GAPC  
PROTEIN AGAINST STREPTOCOCCUS INFECTION

**RESPONSE TO REQUIREMENT FOR RESTRICTION**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Restriction Requirement dated February 13, 2004. The Examiner therein required election of one of the following groups of claims:

Group I. Claims, 2, 3, 9, 46-56, and 68-75, drawn to multiple epitope fusion polypeptides of streptococcus GapC proteins, or molecules or compositions comprising such fusion polypeptides;

Group II. Claims, 10-36, drawn to polynucleotides encoding for multiple epitope fusion proteins, and a method of producing said proteins through recombinant cell expression;

Group III. Claims, 37-45, drawn to methods of producing said polypeptides through recombinant cell expression;

Group IV. Claims, 57-59, drawn to methods of treating or preventing bacterial infections by administering polypeptide compositions to a vertebrate subject;

Group V. Claims, 60-62 drawn to methods of treating or preventing bacterial infections by administering polynucleotide compositions to a vertebrate subject;

Group VI. Claims, 63-65, drawn to antibodies to multiple epitope fusion proteins; and

Group VII. Claims, 66 and 67, drawn to a method of detecting streptococcus antibodies in a biological sample by reacting said sample with a multiple fusion polypeptide.

In addition, the Examiner has required election of two of the following groups:

(A) the polynucleotide of SEQ ID No: 11 or the polypeptide of SEQ ID No: 12 (corresponding respectively to the polynucleotide and the polypeptide of Fig. 1),

(B) the polynucleotide of SEQ ID No: 13 or the polypeptide of SEQ ID No: 14 (corresponding respectively to the polynucleotide and the polypeptide of Fig. 2),

(C) the polynucleotide of SEQ ID No: 15 or the polypeptide of SEQ ID No: 16 (corresponding respectively to the polynucleotide and the polypeptide of Fig. 3),

(D) the polynucleotide of SEQ ID No: 17 or the polypeptide of SEQ ID No: 18 (corresponding respectively to the polynucleotide and the polypeptide of Fig. 4),

(E) the polynucleotide of SEQ ID No: 19 or the polypeptide of SEQ ID No: 20 (corresponding respectively to the polynucleotide and the polypeptide of Fig. 5),

(F) the polynucleotide of SEQ ID No: 21 or the polypeptide of SEQ ID No: 22 (corresponding respectively to the polynucleotide and the polypeptide of Fig. 6),

and one of (1)-(5) as follows:

(1) the amino acid sequence at about amino acid positions 61-81 or a sequence encoding that sequence,

(2) the amino acid sequence at about amino acid positions 102-112 or a sequence encoding that sequence,

(3) the amino acid sequence at about amino acid positions 165-172 or a sequence encoding that sequence,

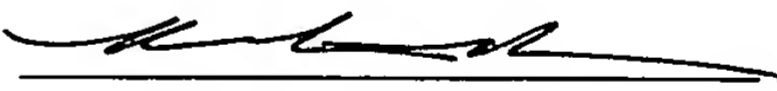
(4) the amino acid sequence at about amino acid positions 248-271 or a sequence encoding that sequence, and

(5) the amino acid sequence at about amino acid positions 286-305 or a sequence encoding that sequence.

Applicants hereby elect to prosecute the claims of Group II, claims 10-36, and select SEQ ID NO:21 which encodes the polypeptide of SEQ ID No: 22 (Group F) and the amino acid sequence at about amino acid positions 61-81 (Group 1), without traverse. Applicants expressly reserve their right under 35 USC §121 to file one or more divisional applications directed to the nonelected subject matter during the pendency of this application.

Respectfully submitted,

Date: 3/19/04

By:   
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Registration No. 33,208

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TRANSMITTAL LETTER

Commissioner for Patents  
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Alexandria, VA 22313-1450

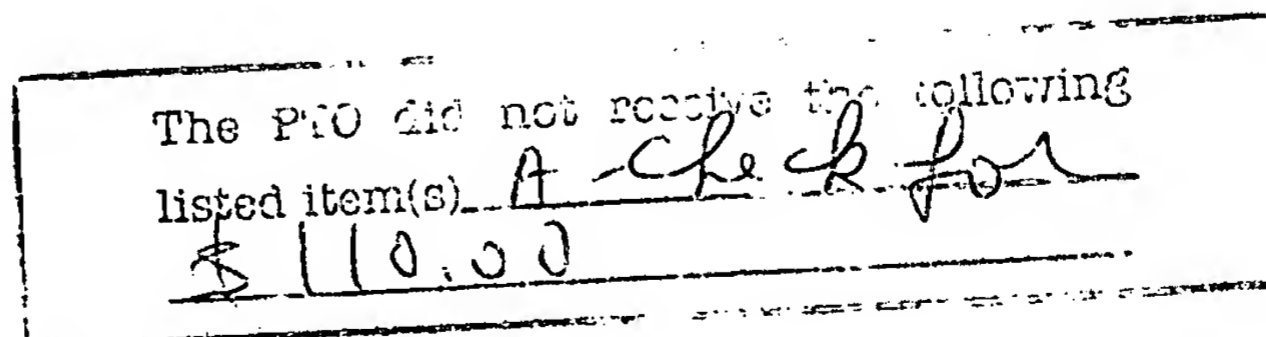
Sir:

Transmitted herewith for filing is a Response to Restriction Requirement, and Preliminary Amendment in the above patent application in response to the Restriction Requirement dated February 13, 2004.

X Applicants request an extension of time for 1 month from March 13, 2004 to April 13, 2004. Enclosed is a check to cover the \$110 fee.

   No additional fee is required.

X Also enclosed: Return Postcard.



03/23/2004 CNGUYEN 00000042 181648 10650369

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No. of Claims After Amendment			Most Claims Previously Paid			Extra Claims		Additional Fee	
A. Total Claims	27	-	69	=	0	x	\$18	=	\$0
B. Ind. Claims	1	-	2	=	0	x	\$86	=	\$0
C. If amended to contain multiple dependent claims, add 280							\$290	=	\$0
D. Total Amendment Fee (Total of A, B & C)								=	\$0
E. If small entity, 50% reduction of Total Amendment Fee (50% of D)								=	\$0
F. Total Amendment Fee (D minus E)								=	\$0

\_\_\_ A check for \$ to cover the extra claims fee is attached.

\_\_\_ Charge \$ to Deposit Account No. 18-1648.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 18-1648.

Respectfully submitted,

Date: 3/19/04

By: 

Roberta L. Robins

Registration No. 33,208

Attorney for Applicants

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